

In the Matter of:

In re: **John Doe**

Administrative Hearing

December 21, 2018

Casamo

Court Reporting
Videography
Videoconferencing

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1 FAIRFAX COUNTY PUBLIC SCHOOLS

2 ADMINISTRATIVE HEARING

3
4 IN RE: JOHN DOE5
6 Hearings Office

7 8115 Gatehouse Road

8 Falls Church, Virginia

9 Friday, December 21, 2018

10
11 IN ATTENDANCE:

12 LISA S. FORREST, Hearing Officer, FCPS

13 MATTHEW ELINE, Principal, Robinson Secondary

14 School

15
16 TRAVIS HESS, Assistant Principal, Robinson

17 Secondary School

18 FATHER [REDACTED], Father

19 MOTHER [REDACTED], Mother

20 JOHN DOE [REDACTED], Student

21
22 START TIME: 10:00 a.m.

1 P R O C E E D I N G S

2 MS. FORREST: This is a discipline
3 hearing for John Doe, Robinson Secondary
4 School. Today's date is December 21st, 2018.

5 All right. Before we begin the hearing,
6 I'm going to point out that the hearing is being
7 recorded, pursuant to our school board
8 regulations.

9 If you would like, you'll be able to
10 make an appointment to review the recording at a
11 later date, and you may bring whomever you would
12 like to listen at that time.

13 However, the same regulation that
14 requires us to record the hearing, also states
15 that we -- no one else is permitted to make a
16 recording of the hearing.

17 Therefore, I'm going to ask, if anyone
18 has any type of recording device on, that you
19 power it off at this time.

20 All right. We'll begin with
21 introductions. Again, my name is Miss Forrest, I'm
22 a Hearing Officer for the Division Superintendent.

1
2 Pass that down to your parents for me, please.
3 School staff?

4 MR. HESS: My name is Travis Hess. I am
5 the Subschool 12 Administrator at Robinson.

6 MR. ELINE: Matthew Eline, the Principal
7 at Robinson Secondary School.

8 MOTHER : Mother , John's
9 mother.

10 MS. FORREST: Okay.

11 FATHER : Father , John's
12 father.

13 JOHN DOE : I'm John Doe , a
14 student at Robinson Secondary School.

15 MS. FORREST: All right. We're here
16 today to conduct an administrative hearing, to
17 consider the referral for disciplinary action that
18 was forwarded to the division superintendent by
19 the principal of Robinson Secondary School, based
20 on John Doe's reported violation of Student Rights
21 and Responsibilities, Regulation 2601,
22 specifically for sexually harassing another

1 student at school.

2 In this matter, I represent the
3 division superintendent, and it's my
4 responsibility to first determine if the referral
5 for disciplinary action is warranted.

6 If I find that, yes, it is in fact
7 warranted, then I have to decide the appropriate
8 disciplinary sanction.

9 There is a range of consequences for me
10 to consider, to include allowing John to return
11 to Robinson Secondary under some probationary
12 conditions;

13 Removing him from Robinson, but
14 assigning him to either another regular school, or
15 an alternative school program.

16 The last sanction available for
17 consideration is expulsion; expulsion is very
18 rare.

19 But that could only happen if I send
20 this case to the school board, and then the school
21 board votes to expel him.

22 Now, in order for me to make my

1 decision, I'll need to know three things:

2 I'll need to know about the incident or
3 incidents that bring us here today; I'll need to
4 know about John's broader school record; and I
5 try to gather as much as I can about John, the
6 individual, in the short time I have with him
7 today.

8 Now, the way the hearing will proceed
9 is, first, school staff will describe the incident
10 and their findings.

11 John, during that part of the
12 hearing, I want you to listen very carefully,
13 because, after we're finished with the school's
14 report of the incident, then it will be your turn
15 to share your side of what happened at school.

16 JOHN DOE: Okay.

17 MS. FORREST: However, the very first
18 question I'll ask you is whether you agree with
19 the information presented, or not.

20 JOHN DOE: Okay.

21 MS. FORREST: Okay. I'll have some
22 questions for you about the incident.

1 Once we're finished discussing the
2 incident, then we'll move on to your school
3 record; I may or may not have questions about your
4 school record.

5 But if there's anything concerning
6 within your record, you'll have a chance to
7 respond to that. Okay.

8 Toward the end of the hearing, **Father and**
9 **Mother**, there is time set aside for you to
10 share anything you would like me to know and
11 consider before I make a decision.

12 I will not make my decision here today.
13 I will not make a decision until I have the
14 opportunity to review the information presented.

15 I'll communicate my decision in a
16 letter, which will be mailed from our office
17 within the next ten school days. Okay.

18 That letter will tell you what the
19 decision is, will tell you what to do if you
20 agree; it will also outline your appeal rights.

21 Any decision I make can be appealed to
22 the school board, unless my decision is to allow

1 **John** to return to Robinson Secondary, having
2 served ten or fewer days of out-of-school
3 suspension.

4 Now, prior to the hearing, I received a
5 copy of an email appealing the ten-day suspension
6 imposed by the school principal.

7 At the end of the hearing, after I hear
8 all the information presented, I'll make a
9 decision as to whether or not I am going to
10 uphold, return, and extend that suspension, should
11 I uphold it.

12 Do you have any questions about what
13 we're going to do here today, or the process?

14 **JOHN DOE** : No, ma'am.

15 MS. FORREST: Either of you have any
16 questions?

17 **FATHER** : No.

18 **MOTHER** : No, I understand.

19 MS. FORREST: Okay. All right.

20 EXAMINATION BY THE HEARING OFFICER

21 BY MS. FORREST:

22 Q **John** , before we start, do you

1 understand what you've been accused of?

2 A Yes, ma'am.

3 Q Okay. What school rule are you accused
4 of breaking?

5 A Sexual harassment.

6 Q Okay. And do you understand the
7 possible outcomes of this hearing?

8 A Yes, ma'am.

9 Q Earlier, I explained the four possible
10 outcomes; what are they?

11 A Being able to return to Robinson, being
12 placed in another Fairfax County school; being
13 placed in an alternative school, and possible
14 expulsion.

15 Q Okay. And what did I say about
16 expulsion?

17 A That it would be brought to the school
18 board.

19 Q Uh-huh. Well, with some -- and as it
20 relates to you, there was one thing I said that's
21 really important?

22 A That there would be another hearing.

1 Q It's rare, it's rare that a student is
2 expelled. Okay? All right.

3 MS. FORREST: Now, we will send a letter
4 by U.S. mail, but we -- if it's your preference,
5 we could also send you a copy by email; would you
6 like a copy by email?

7 FATHER [REDACTED]: Sure.

8 MOTHER [REDACTED]: Please.

9 MS. FORREST: Okay. And what is your
10 email address, to what email address would you
11 like it sent?

12 FATHER [REDACTED]: Father [REDACTED]@gmail.

13 MS. FORREST: Father [REDACTED]?

14 FATHER [REDACTED]: Uh-huh.

15 MS. FORREST: Same spelling as your last
16 name?

17 FATHER [REDACTED]: Right.

18 MS. FORREST: @gmail.com?

19 FATHER [REDACTED]: Correct.

20 MS. FORREST: All right. First, school
21 staff, would you state the incident?

22 MR. HESS: Okay. So -- and I'll be

1 quoting things here, so there will be foul
2 language involved, just so you know; is that okay?

3 MS. FORREST: Okay. Before you start --
4 John [REDACTED], school staff knows the name of the victim,
5 but they can't use her name until you do.

6 What's the name of the person that's
7 accusing you of sexual harassment?

8 JOHN DOE [REDACTED]: FS 1 [REDACTED].

9 MS. FORREST: So you can use FS 1's [REDACTED]
10 first name.

11 MR. HESS: Okay.

12 MS. FORREST: Okay. Go ahead.

13 MR. HESS: So, on December 6th, at about
14 1:20 in the afternoon, FS 1 [REDACTED] came to me with a
15 female friend, and that person will be referred to
16 as Female Student No. 2, for this purpose.

17 MS. FORREST: Uh-huh.

18 MR. HESS: FS 1 [REDACTED] was visibly upset; she
19 said she didn't really know where to start. But
20 Female Student No. 2 encouraged her to come to me,
21 because she thought that I would be able to help.

22 So she started talking, and she said

1 that she had been smacked on the rear by a boy in
2 the locker bay; that boy was not John . She said
3 that John was present.

4 And then she went on to say, not only
5 was she smacked in the rear end, then she said she
6 turned around and she was angry;

7 And the boys were kind of pointing back
8 and forth at each other, like, he did it, no, he
9 did it, no, he did it, and kind of laughing, or
10 whatever.

11 And then after that, she went on to
12 kind of detail some -- what she felt was sexual
13 harassment over the course of the past month.

14 MS. FORREST: Could I pause you just for
15 a second?

16 MR. HESS: Sure.

17 MS. FORREST: You submitted a copy of a
18 video from that locker bay.

19 MR. HESS: Yes.

20 MS. FORREST: Has the family had the
21 opportunity to review that video?

22 MR. HESS: Mother has.

1 **MOTHER** : I have.

2 MS. FORREST: Okay. Let me just call
3 upstairs, and have them bring down -- would you
4 like to view it today?

5 **FATHER** : Sure.

6 MS. FORREST: Okay. I just need to make
7 sure. In fact, I'll take recess at some point, get
8 a computer, to allow the family an opportunity to
9 look at the video again.

10 Okay, go ahead. I'm sorry.

11 MR. HESS: Okay. **FS 1** said that the
12 boys would catcall her, say things like, hey,
13 Shoddy [phonetic], damn, she looks good in those
14 pants; damn, looking good today.

15 And that there was at least one
16 instance where the boys -- prior to that
17 particular incident on the 6th -- were looking at
18 each other in the locker bay, and pointing to
19 their crotch area, and said that, "We want you in
20 between us."

21 The other female student that came with
22 her, Female Student No. 2, specifically said that

1 she had heard John say to FS 1 before, "Hey,
2 are you trying to fuck?"

3 At that point, I called FS 1's
4 parents to inform them of what had happened; it
5 was -- we're talking about going into the end of
6 the day -- so, informed them of what happened.

7 I had FS 1 show me where it happened
8 in the locker bay, so that we could try to pull
9 the camera film; so we did that.

10 I notified security, notified the
11 parents of the incident, and said that we would
12 begin an investigation.

13 After I went and saw the video, I
14 called FS 1's family back, and asked them to
15 join me the morning of the 7th, to have a meeting;
16 just to discuss all of the allegations, and
17 everything that's been going on for the past --
18 she said about four weeks, she thought.

19 At that time, she mentioned the
20 incident about the boys pointing down, and saying
21 that they wanted her in between them.

22 She also said that John had sent her

1 a Snapchat of his fully-clothed crotch, and it was
2 asking with the caption, "Do you want this in your
3 mouth?"

4 She said that FS 1 and -- excuse
5 me --

6 FS 1 said that her and John had
7 English class together, and that he would poke her
8 in a flirtatious manner, either on the arm, or on
9 the leg, or on the stomach, and that she tried to
10 make it clear that she was not comfortable with
11 that;

12 That she would say, "That's enough," or
13 she would scooch her chair over; or, she said
14 once, "John, it's not going to happen."

15 And she said that John told her, "I
16 will have sex with you at some point."

17 She also went into detail about some of
18 the incidents with the other boy, which are not
19 pertinent to today.

20 Later in the afternoon, I called a
21 student in; this would be Female Student No. 3.

22 Female Student No. 3 did witness the

1 encounter on the 6th, quantified it as FS 1
2 getting smacked on the rear end, the boys pointing
3 at each other and laughing.

4 Female Student No. 3 said that she
5 heard John say to both FS 1 and herself, that
6 he wanted to, quote, "Fuck them."

7 And in addition, Female Student No. 3
8 stated that he once told her he would like to,
9 quote, "Bang the shit out of her in his bed."

10 Female Student 4 voluntarily came to
11 see me on the afternoon of the 7th. She had
12 concerns about how she had heard John speak to
13 FS 1.

14 She said that it usually happened on
15 Gold days, after lunch, in the locker bay, which
16 is when the actual incident occurred.

17 Because they just -- I think all that
18 group of kids happens to have lunch at the same
19 time.

20 Female Student 4 said that she had
21 heard John tell FS 1 once, "You telling me
22 that I can't get it, makes me want to get it even

1 more. I'm going to get it."

2 We met with the other student on the
3 morning of Friday, December 7th -- the other boy.

4 That boy did not write a statement at
5 that time, but did submit one on Sunday, December
6 9th, in the afternoon, and had a lot of things to
7 say, mostly about his incident.

8 But one of the things it said was, that
9 the, "We want you in between us" comment, was
10 something that John had said, and John alone
11 had said that, and not him.

12 On December 12th, Female Student 5 came
13 to talk to me about John. She, interestingly
14 enough, had been questioned on the 7th.

15 On the 7th, she told me that she had
16 never heard John say anything sexually
17 inappropriate.

18 She came back. On the 12th, she said
19 that she was bothered by our conversation on the
20 7th, that she wasn't honest with me; I asked her
21 why.

22 She said she was friends with John,

1 and she didn't want John to get into any
2 trouble, so she didn't want to make a big deal out
3 of it;

4 And then she realized a couple of days
5 later, that that really wasn't the right thing.

6 Things that she had heard John say,
7 were things like, quote, "I'm going to fuck the
8 shit out of her," in regards to FS 1 ;

9 "Her telling me to stop, just makes me
10 want to fuck her more. I will fuck her by the end
11 of the year, and add her to my collection."

12 And again, she apologized to me for not
13 being honest on the 7th, and said she wanted to
14 set the record straight.

15 I called John down on the morning of
16 the 10th; that would have been Monday.

17 And I felt that the best thing to do,
18 was to inform the parents and him at the same time
19 of the allegations, instead of just questioning
20 him by himself.

21 So I told him that there were some
22 allegations. We called, we were able to get in

1 touch with mom; mom was on the phone. Father
2 joined the conversation at some point; came in
3 late, but wasn't there when the conversation first
4 started.

5 I made them aware of all of these
6 allegations, with the exception of the allegation
7 of the female student on the 12th, because that
8 had happened two days later.

9 John denied saying any of these
10 things; denied the Snapchat, denied any of the
11 comments -- the in between us -- any of the other
12 sexually explicit stuff.

13 He did say that he felt that he was
14 flirtatious with FS 1; that he had put his arm
15 around her in English class, and maybe poked her
16 on the arm, but didn't believe that he poked her
17 on the legs, or on the stomach.

18 He also said that he did not say
19 anything to Female Student 3, about wanting to do
20 what he said he wanted to do to her in his bed.

21 He did become agitated at one point,
22 and said that he thought that the girls had kind

1 of corroborated their story, and gotten together
2 against him.

3 He did agree to write a statement. We
4 talked to mom and dad on the phone, said that he
5 did not need to write a statement, but he said
6 that he wanted to.

7 In that statement, he denied all of
8 those allegations.

9 Our phone call with the family ended,
10 and that's when John [REDACTED] began to write his
11 statement.

12 I did say to him, while he was writing
13 his statement, "While you're writing, what are
14 your thoughts on the fact that your friend had
15 said that you said these things to FS 1 [REDACTED], and not
16 him?"

17 And he said, "I thought we were
18 friends; that's messed up."

19 And that's pretty much all of the data
20 that I have.

21 MS. FORREST: Okay. Now, you said that
22 the victims reported -- FS 1 [REDACTED] reported that this

1 had been occurring for approximately a month?

2 MR. HESS: That's what she said, yes.

3 MS. FORREST: Do you know if the poking
4 on the leg, arm and stomach in English class -- in
5 the written report, it says about three times --
6 did that all happen on the same day?

7 MR. HESS: I do not know the answer to
8 that. I'm not sure.

9 And we did speak with the English
10 teacher. She said she did not see -- she never
11 witnessed any of those encounters.

12 MS. FORREST: So the English teacher,
13 though, did note that -- in her written report --

14 That there was some difficulty, in
15 terms of John's work ethic, when -- let me just
16 read it as she wrote it:

17 "During first quarter, he needed a lot
18 of redirection regarding his interaction with
19 other students, specifically with a female
20 student," and she names the female student.

21 "He would often move his seat without
22 permission, next to her; he would only move if

1 redirected by the teacher. At times, he would try
2 to negotiate to stay in that seat, or questioned
3 why he couldn't just stay. John [REDACTED]'s seat was moved
4 to the opposite side of the room."

5 And then, under the peer relations, the
6 teacher writes, "He seems to be more on task and
7 focused when sitting near male classmates."

8 Did she go into detail? While the
9 female student that she mentions is not FS 1 [REDACTED] --

10 MR. HESS: -- correct --

11 MS. FORREST: -- did she go into detail
12 about the interaction she observed?

13 MR. HESS: She just described the
14 interaction as flirtatious, but she didn't say
15 that she necessarily saw anything inappropriate.

16 She did say that she saw them, like,
17 touching hands, or holding hands at one point, and
18 that's when she had told them that they needed to
19 separate.

20 I was never able to speak to that
21 female student, because she's sometimes difficult
22 to get ahold of.

1 MS. FORREST: Okay.

2 MR. HESS: I tried to pull her a couple
3 of times, and she wasn't in school when I did.

4 MS. FORREST: Okay. Now, with regard to
5 the gestures towards his genitals, do you know
6 where he was, and when did that occur?

7 MR. HESS: This -- according to **FS 1**,
8 those interactions -- or, that interaction
9 happened in the locker bay during class exchange.

10 MS. FORREST: Okay. Do you know if the
11 Snapchat posting was done during the school day at
12 school?

13 MR. HESS: I do not know the answer to
14 that, and there was no evidence.

15 I asked if she had taken a screen shot
16 for a timestamp, and there was none of that.

17 MS. FORREST: In Snapchat, my
18 understanding of Snapchat is just, the posting
19 disappears after some time --

20 MR. HESS: -- correct --

21 MS. FORREST: -- it doesn't stay. Now,
22 the witnesses that you interviewed, did you find

1 them to be credible?

2 MR. HESS: Yes, I do.

3 MS. FORREST: Did you find any reason
4 why they would falsely implicate John ?

5 Now, I know John claims that they got
6 together and corroborated their story; did you
7 interview them independently of one another?

8 MR. HESS: Yes.

9 (Pause)

10 MR. HESS: The only two that were
11 questioned -- they weren't really questioned --
12 was Female Student No. 2 with FS 1 , because they
13 came together, because she was there to support.

14 MS. FORREST: Support her, in
15 encouraging her to report?

16 MR. HESS: In coming forward, correct.

17 MS. FORREST: Okay.

18 MR. HESS: But all the other interviews,
19 with Female Student 3, 4, and 5, they were all
20 done separately.

21 MS. FORREST: And the other boy
22 involved, did you find that he was credible?

1 MR. HESS: Yeah, I found him to be
2 credible, because he was honest with me about --

3 MS. FORREST: -- his own misconduct?

4 MR. HESS: His own misconduct, yes,
5 ma'am.

6 MS. FORREST: Did you find FS 1
7 credible?

8 MR. HESS: I find FS 1 to be credible,
9 yes.

10 MS. FORREST: What did John admit to?

11 MR. HESS: The only thing that John
12 said that he thought that he did, was be
13 flirtatious, and put his arm around her.

14 And he said that maybe he poked her on
15 the arm.

16 MS. FORREST: Did he tell what
17 encompassed flirtatious?

18 MR. HESS: No, he did not.

19 MS. FORREST: Did you find his denials
20 that he had not made inappropriate comments over a
21 period of time, and improperly touched her on her
22 legs and stomach, did you find those denials

1 credible?

2 MR. HESS: Well, I would say no, simply
3 because of the number of people that we had come
4 forward and support this young lady's story, and
5 another girl say that it had happened to her as
6 well.

7 So -- that's Female Student No. 3 --
8 so, no, I found it difficult to believe that none
9 of those things were true.

10 MS. FORREST: And did Female Student
11 No. 3 indicate that the inappropriate comments
12 toward her were done repeatedly, or was that done
13 on one occasion?

14 MR. HESS: She made it seem like they
15 were more directed towards FS 1, but she had
16 recalled one that was directed towards her.

17 MS. FORREST: Okay. Do you provide
18 students at Robinson with instruction on sexual
19 harassment?

20 MR. ELINE: We do talk about it in SR&R
21 when we do the video; it is part of it.

22 MS. FORREST: It's reviewed, it's part

1 of it?

2 MR. ELINE: Yeah.

3 MS. FORREST: Okay. Is this behavior
4 characteristic of behavior demonstrated by John
5 previously?

6 MR. HESS: Nothing like this, no.

7 MS. FORREST: Was police notified?

8 MR. HESS: Yes, ma'am.

9 MS. FORREST: Are there any charges?

10 MR. HESS: No, ma'am.

11 MS. FORREST: Can you describe the
12 impact of this incident on the victim and the
13 school?

14 MR. ELINE: Sure. Number one, safety is
15 something that's the most important job that I
16 have, or role that I play; not just safety for
17 John, but for all of our students.

18 When somebody is harassed, it's
19 difficult to concentrate in class, it's difficult
20 to learn well.

21 So, when any student is put in a
22 situation like that, it's very difficult for them

1 to do what we expect of them.

2 The other part of it is, Mr. Hess was
3 pulled away for a long time to investigate,
4 therefore, he couldn't be in classrooms,
5 supporting teachers, evaluating them;

6 He couldn't be in the halls, monitoring
7 the halls, because he spent so much time on this.
8 So it definitely had an impact on him, which
9 impacts the overall safety of the whole school.

10 So those two things really did impact
11 instruction; one, specifically for that student or
12 students, but also because Mr. Hess was pulled
13 away from his primary job, which is instruction.

14 MS. FORREST: Okay. All right.

15 CONTINUED EXAMINATION BY THE HEARING OFFICER

16 BY MS. FORREST:

17 Q John, having heard the school's
18 report, do you agree with everything you heard; is
19 it somewhat accurate, or not accurate at all?

20 A It is, it's somewhat accurate.

21 Q So -- and I'm going to give you a
22 chance to tell me everything -- but first, tell me

1 with which parts of the report do you disagree?

2 A I mean, I disagree with most of it. The
3 only part I do agree with is the incident of
4 FS 1 being slapped on the butt, because I was
5 present for that.

6 I don't recall laughing, but then
7 again, I don't understand how laughing is an
8 issue. But yes, I --

9 Q -- well, let me stop you, let me
10 comment or question you there.

11 If a female student is being slapped on
12 her buttocks, and you laugh, why wouldn't that be
13 an issue; you don't find that offensive?

14 If someone came up and slapped your mom
15 in the butt, would you laugh?

16 A Well, I mean, I laugh when I'm
17 uncomfortable.

18 Q When you're uncomfortable. Okay. Go
19 ahead, finish. I'm sorry.

20 A You know, I don't -- this whole thing
21 kind of came at me out of nowhere. I thought --
22 because I knew FS 1 was a new student.

1 She is in my English class, and we had
2 a group project together.

3 So I did write this in my statement:
4 "Yes, I admit that I was flirtatious with her, and
5 that I..." --

6 Q -- and what does that mean, what did
7 you do to be flirtatious?

8 A I mean, I don't really know how to
9 describe that. I was just kind to her, I was nice
10 to her; I didn't find it to be in any way
11 inappropriate with her.

12 You know, the way she came across to me
13 was that we were friends. I mean, she -- we always
14 had a positive interaction.

15 So, I mean, this -- I didn't -- I don't
16 understand where this is coming from, and I wish
17 that --

18 There's not a single time, when she
19 ever said to me, you know, stop whatever I'm
20 doing, or, you know, that I was ever bothering
21 her.

22 And I wish she had, because I could

1 have apologized to her, and I feel like that could
2 have solved this whole situation.

3 Because, you know, this isn't the kind
4 of person that I am. I'm not -- I mean, you can
5 look at my disciplinary records.

6 I've done a lot of stupid stuff in the
7 past, but that was freshman and sophomore year.

8 And then, junior year, I moved away to
9 correct myself, and to figure myself out and make
10 things right, so that I could come back senior
11 year and finish my high school career off right.

12 And I was -- I mean, I feel like the
13 year away helped me out a lot. I got my grades
14 better, I focused on myself, getting my school and
15 my sports better.

16 And then I came back this year, and I
17 was starting off fine; I had, like, 3 A's and 2
18 B's, I was doing well with sports.

19 So, you know, I feel like I'm doing
20 better as a person.

21 Q Okay. Anything else with which you
22 disagree?

1 A No, ma'am.

2 Q Okay. So, school rules, are you allowed
3 to improperly touch anyone?

4 A No, ma'am.

5 Q Are you allowed to make inappropriate
6 comments or gestures toward anyone?

7 A No, ma'am.

8 Q Harassment, is sexual harassment
9 allowed?

10 A No, ma'am.

11 Q So, you describe FS 1 as a new
12 student?

13 A From what I've been told, yes.

14 Q Okay. Did she start at the beginning
15 of the year?

16 A I think so, yes.

17 Q She was there when you started English
18 class?

19 A Yes.

20 Q Is that the only class you have with
21 her?

22 A Yes, ma'am.

1 Q Okay. Do you associate with her inside
2 school, and outside, or just in school?

3 A Just usually during that time period
4 of class, and lunch --

5 Q -- okay --

6 A -- but otherwise, I do not socialize
7 with her.

8 Q Do you have the same circle of friends?

9 A No.

10 Q No, a different circle of friends. Is
11 your locker near hers?

12 A I don't even know where my locker is, I
13 don't use my locker.

14 Q You don't use your locker. Okay. So,
15 tell me what happened on December 6th, in that
16 locker bay?

17 A It was after class, it was during
18 passing time.

19 Q After which class?

20 A Sixth period, our English class
21 together.

22 Q Okay.

1 A My friend MS 1 just had knee surgery,
2 so I was helping him put his backpack on him.

3 And then, really quickly, he smacked
4 her on the butt, and I just kind of stood there,
5 looking at them.

6 And she turned around, and was like,
7 you know, who was it, who did it?

8 And I just kind of pointed at him, and
9 he was joking around, pointing back at me, and I
10 was like, no, it was him.

11 And her friends were standing there,
12 like, yeah, it was MS 1, and then we just kind
13 of went our separate ways.

14 Q Did you say that you wanted her between
15 the two of you?

16 A No, I did not.

17 Q Why would both the victim and the other
18 boy involved, MS 1, attribute that comment to
19 you?

20 A I honestly don't know. I thought FS 1
21 and I were fine; I didn't see where this was
22 coming from.

1 Q In English class, did you poke her in
2 the leg or stomach?

3 A No.

4 Q Did you poke her at all?

5 A Yes.

6 Q Where?

7 A In the shoulder or arm.

8 Q How many times?

9 A I can recall one time in class.

10 Q Shoulder or arm, one time?

11 A Yes.

12 Q And why did you poke her?

13 A In a teasing, friendly way.

14 Q While you all were working on that
15 project, did she move away from you?

16 A Not that I recall, no.

17 Q Did she ever tell you not to touch her?

18 A No.

19 Q Did you make gestures towards your
20 genital area?

21 A No.

22 Q The Snapchat, are you -- is she a

1 friend on your Snapchat?

2 A Yes, but I rarely talk to her.

3 Q Did you send her a posting of your
4 genitals --

5 A -- no --

6 Q -- with a caption, "Do you want this in
7 your mouth?"?

8 A No.

9 Q Did you say, "Damn, looking good."?

10 A No.

11 Q "Hey, Shoddy"?

12 A No.

13 Q "I will have sex with you at
14 some..." --

15 A -- no.

16 Q You're going to bang the shit out of
17 her?

18 A No.

19 Q "You telling me I can't get it, makes
20 me want to get it more. I'm going to get it." Did
21 you say that?

22 A No.

1 Q School officials describe that she
2 unequivocally said that you stated -- did these
3 things to her, and said these things to her.

4 Why would she make this up; any
5 conflict with her?

6 A No, I honestly don't know where this is
7 coming from. You know, she came across as someone
8 that was really shy and friendly; I thought we
9 were okay friends.

10 Q Okay. At any point, did she appear
11 uncomfortable? Because she wrote that she was, or,
12 she told them that you made her feel
13 uncomfortable.

14 A She never told me, or made any gesture
15 towards me, that she was uncomfortable with me.

16 Q What was your relationship with **MS 1**
17 prior to this; you said you were helping him put
18 his backpack on?

19 A Yeah, he had -- I think he had an ACL
20 surgery on his knee.

21 Q Okay. And so, what was your
22 relationship with him prior to this?

1 A I have known MS 1 for about, I think,
2 five or six years; when I first moved here,
3 seventh grade, we knew each other.

4 But we really became friends the next
5 year after that, so about -- this is probably like
6 my sixth year knowing him.

7 Q Known him for six years, friends for?

8 A Five, six years.

9 Q Five or six years. Now, why would he
10 say, if he's your friend --

11 Now, school staff said he admitted to
12 his own misconduct, so there's no reason for him
13 to --

14 He's not trying to get out of trouble,
15 because he admits, I did it; I said this, I did
16 this; why would he say that that was you?

17 A I don't know.

18 Q Is there anything else about this you
19 want me to know?

20 A No, ma'am.

21 Q All right. We're going to move on to
22 your school record, then.

1 MS. FORREST: All right. So, I reviewed
2 his school record, and I'm going to summarize my
3 understanding of his prior discipline, his
4 attendance, his academics; if you would summarize
5 what the teachers have to say about him.

6 And then once we do that, I will take a
7 short recess to get the computer, so that [REDACTED]
8 Father [REDACTED] can see the video. All right.

9 So, John [REDACTED] is now a 17-year-old, 12th
10 grade student. To date, he's earned 20 academic
11 credits, five verified credits toward graduation,
12 and a 3.140 cumulative grade point average.

13 During the first quarter, he earned two
14 A's, one A-, one B, and one B-. His second quarter
15 progress report, dated December 10th, 2018,
16 reflects grades that range from B+ to F.

17 Thus far this school year, he's accrued
18 five days of excused absence, one period of
19 prearranged un-excused absence; eight periods of
20 un-excused absence, and seven periods of un-
21 excused tardiness.

22 There are eight prior offenses on his

1 cumulative Fairfax County discipline report. Those
2 offenses include inappropriate language or
3 gesture, leaving school without permission;

4 Possession of stolen property, cutting
5 class, cheating, tobacco paraphernalia possession,
6 and knife possession, knife with a blade less than
7 three inches. Did that sound accurate?

8 MR. HESS: Yes, ma'am.

9 MS. FORREST: If you would summarize
10 what the teachers have said?

11 MR. HESS: The teachers generally had
12 nice things to say. His stats teacher complained
13 that he sleeps sometimes in class; it's his first
14 period class, she said that was an issue.

15 She said that he has a positive,
16 respectful interaction, a good relationship with
17 his P-FIT [phonetic] teacher, and works hard in
18 P-FIT, and, you know, he's very dedicated to that.

19 Motivated government student, appears
20 to have normal peer relationships, no disciplinary
21 actions.

22 You talked about the English teacher's

1 report, on some of their concerns about behavior;
2 works hard in physics, no disciplinary actions
3 taken in that class either.

4 MS. FORREST: Okay. Did you receive any
5 school records from the school in Ohio?

6 MR. HESS: None that I have, no.

7 MS. FORREST: Okay.

8 CONTINUED EXAMINATION BY THE HEARING OFFICER

9 BY MS. FORREST:

10 Q John, did that information, that I
11 summarized in the school report, sound accurate?

12 A Yes, ma'am.

13 Q Okay. And tell me, earlier, I asked
14 school staff about your English teacher reporting
15 about you asking, or trying to sit next to a
16 particular female student; tell me about that?

17 A I have a friend, also in my English
18 class, her name is [REDACTED].

19 She has assigned seating for us. And
20 just in that particular assigned seating, she had
21 three of us at one table, and the table behind us
22 had available seating.

1 So I asked my teacher, one time, if I
2 could just move back, due to the crowded area that
3 I was in.

4 And I explained to her, not because my
5 friend's sitting behind me, because it's crowded,
6 and I can't see the material you're trying to
7 present.

8 And she said no, so I respected her
9 answer and just kept sitting in my seat.

10 Q You describe it as one time, but she
11 describes it as:

12 "Often moves seats without permission
13 to sit next to her, will move back if redirected
14 by the teacher; at times, will try to negotiate
15 and stay in the seat, and question why you
16 couldn't just stay there."?

17 A I negotiated with her one time.

18 Q Just one time. Okay. Tell me about the
19 vaping incident?

20 A That was a week before; I was in the
21 process of transferring schools, of leaving for
22 Ohio.

1 I was on my way to the auto tech room,
2 to get my -- I had a paper that needed to be
3 signed by all my teachers for all my grades, so I
4 could transfer.

5 And I was using the restroom while
6 other students were vaping in the bathroom. And an
7 administrator walked in, and he proceeded to ask
8 us questions.

9 And then, while he wasn't paying
10 attention, a kid I knew slipped his vape into my
11 pocket without my permission, and I think the
12 administrator saw that.

13 So he grabbed me and the other kid, and
14 searched us, and he found that vape. And then he
15 found a small pocket knife in my bag.

16 Q Why was the pocket knife there?

17 A I mean, I use my backpack for outdoor
18 stuff, whether it's camping or anything, so I had
19 no idea that I had the knife in the bag.

20 Q Wait, what time of day was this?

21 A This was --

22 Q -- in the middle of the day, or at the

1 end of the day, when --

2 A -- this was towards the end of the day,
3 I think.

4 Q And why was your backpack with you in
5 the bathroom?

6 A I was carrying all of my stuff; I was
7 in the process of getting stuff filled out.

8 Q Okay. All right. And where did you go
9 to school in Ohio?

10 A Elyria High School.

11 Q Is that a public school, or a private
12 school?

13 A Public school.

14 Q Public school. Did you have any
15 discipline there?

16 A No, ma'am.

17 Q Okay. Anything else about your school
18 record that you want to say?

19 A No, ma'am.

20 Q Okay.

21 MS. FORREST: All right. Let me go to
22 your parents -- well, let me actually take a brief

1 recess, get the computer.

2 **FATHER**: Sure.

3 MS. FORREST: So, if you would have a
4 seat in the waiting room while I...

5 (Whereupon, a brief recess was taken, after
6 which the hearing was resumed as follows:)

7 (Video playing)

8 MS. FORREST: All right. I'm going to
9 pause it just for a second. Mr. Hess, do you want
10 to come around here, just in case you --

11 MR. HESS: -- sure --

12 MS. FORREST: -- so you can kind of
13 narrate this for me. Okay. So this is the locker
14 bay?

15 MR. HESS: Uh-huh.

16 MS. FORREST: And where is **John**?

17 MR. HESS: They're -- they're -- this is
18 him, and this is **MS 1**; he's been identified. And
19 this is **FS 1**. (Pointing)

20 It happens very quickly into it. There
21 it is. (Indicating)

22 MS. FORREST: And where -- can you see

1 him laughing there?

2 MR. HESS: I cannot, no.

3 MS. FORREST: Okay. I -- he's facing --

4 MR. HESS: -- it's just, their initial
5 reaction, it kind of appears like they're going
6 like, oh, boy -- right, body language, correct.

7 MS. FORREST: Okay, his body language.
8 Okay, is that the gist of it?

9 MR. HESS: Yeah, that's the gist of it,
10 that's the whole --

11 MS. FORREST: -- okay.

12 **FATHER** : And the girls don't appear
13 to be upset at all, given the body language.

14 (Video terminated)

15 MS. FORREST: Okay. Thank you. All
16 right.

17 **Father and Mother** , this is your
18 opportunity to share anything at issue, that you
19 would like me to know and consider.

20 **MOTHER** : Okay.

21 **FATHER** : Sure.

22 **MOTHER** : If I may, I'd like to

1 start.

2 You know, I want to just say that,
3 while we were waiting in the waiting room, there's
4 a picture on the wall, and it's the picture like
5 you have here, and one of them states integrity.

6 And there's a little caption underneath
7 it, and it says, "Those who preserve their
8 integrity remain unshakable in the storm."

9 And I kind of thought that that was
10 appropriate, because I really feel like John has
11 really upheld his dignity during these past two
12 weeks going through all of this, and tried to --

13 And conducted himself with -- he's
14 just -- he's been trying to handle it really well.

15 So to go through this, yes, on
16 December 10th, I did receive a phone call from Mr.
17 Hess; it was early, around 8:30 in the morning.

18 He went through it, and indicated that,
19 yes, John was being accused of sexual
20 harassment, and that an interview needed to take
21 place.

22 He did say to me that there were some

1 options that I could -- I was afforded the
2 opportunity to come in and be a part of the
3 questioning. I was also told that I could just
4 stay on the phone and be a part of the interview
5 that way; I chose to do that.

6 So Mr. Hess went through, and did all
7 of his line of questioning with John ; I
8 listened.

9 At the conclusion of his questioning,
10 he did state that John had the opportunity to
11 write a statement, but it was clearly his choice,
12 that it wasn't something that he had to do.

13 John chose to write the statement,
14 and he did. I was told that the conversation --
15 that the interview had then concluded.

16 And then, going through Mr. Hess'
17 statements here, I realize that the line of
18 questioning then had continued, after the parents
19 were not -- were no longer on the phone.

20 I don't understand why the line of
21 questioning then would continue when the parents
22 weren't there.

1 MS. FORREST: Do you want him to answer
2 that? Because I --

3 And I will note that there is no
4 regulation that requires him to have you on the
5 phone during his questioning of a student, but he
6 chose that, that's what he opted to do.

7 But, Mr. Hess, do you want to respond
8 to that?

9 MR. HESS: It was just, kind of the
10 thought came to me about MS 1 and his statement,
11 and I just --

12 It was a question in passing, so I
13 said, "While you're writing this statement, what
14 are your thoughts on that?"

15 That was the only question that I asked
16 him at that time.

17 MS. FORREST: Okay. And I notice that
18 MS 1 didn't --

19 There's no written statement from
20 MS 1 in this, but you said he later provided --

21 MR. HESS: -- he does -- he did provide
22 a written statement, and I did not --

1 MR. ELINE: -- do you have that?

2 MR. HESS: I do, I do, I brought it
3 today. I didn't include it as part of the written
4 packet because it was mostly focused on himself.

5 But I have a copy of it.

6 MS. FORREST: Does he mention John in
7 that written statement?

8 MR. HESS: Yes.

9 MS. FORREST: Okay. Do you want to
10 submit it --

11 MR. ELINE: -- yes --

12 MS. FORREST: -- for consideration?

13 MR. HESS: Sure.

14 MS. FORREST: Okay. Now, you all did get
15 a copy of a redacted packet. I will have the
16 statement redacted, and have someone send you a
17 copy of that.

18 FATHER: Well, if they're
19 submitting documents, I have two I'd like to
20 submit as well.

21 MS. FORREST: Oh, you can certainly
22 submit documents.

1 **FATHER** : I'll submit them. Okay.

2 MS. FORREST: Okay, ma'am, you can
3 continue while he does that.

4 **MOTHER** : Okay. So then Mr. Hess
5 told me that the -- prior to us getting off the
6 phone, what the procedures were going to be, and
7 how the process worked;

8 That he was going to present it to the
9 principal, and the principal would be the deciding
10 factor on what the disciplinary action would be.

11 MS. FORREST: Sure.

12 **MOTHER** : So when I got the second
13 phone call, he said that **John** had received the
14 ten days of out-of-school suspension, and that I
15 needed to pick him up, and he did need to be
16 removed from the property. That took awhile
17 because I was at work.

18 But -- and then also, because Mr. Hess
19 had mentioned the video, I really wanted to see
20 it.

21 So, when I did go to pick up my son, he
22 showed me the video on his phone. And as I was

1 watching it, Mr. Hess did indicate, and said to
2 me, "See, look, John [REDACTED]'s laughing."

3 And I told him that I didn't see that,
4 because the only thing you could see was the back
5 of his head.

6 MS. FORREST: Uh-huh.

7 MOTHER [REDACTED]: Anyway, so we disagreed
8 with that, about the whole laughing.

9 Because I really felt like it was kind
10 of an insinuation that, you know, John [REDACTED] didn't
11 take what occurred seriously.

12 He also told me before I left, that the
13 girl's parents were filing charges, and that
14 John [REDACTED] might be presented with a restraining
15 order.

16 During that time, then he wrote down
17 the police officer's name on a card for us, and
18 told us to call him.

19 FATHER [REDACTED]: Officer Jackson.

20 MOTHER [REDACTED]: Now, once all this
21 occurred, I went back, and I started looking at
22 some of the rules and regulations.

1 And according to Regulation 2601.32,
2 that, suspension from school, the following items
3 must occur:

4 The student must be notified, which was
5 done; parents are notified, in an attempt to
6 contact them; that was done;

7 Written notification to be sent to the
8 parent by end of school day when possible, but no
9 later than the end of the next school day, with a
10 copy of rules governing suspension -- which is the
11 2610 version of the regulations.

12 MS. FORREST: Uh-huh.

13 **MOTHER**: That was not done. We
14 received this yesterday in the mail; there's the
15 date. I'm assuming that's what that is. (Handing
16 document to Ms. Forrest)

17 MS. FORREST: Okay. (Reviewing document)

18 **MOTHER**: Okay. So that was not
19 done.

20 Now, the detailed incident report that
21 you all went through, I just feel like -- that was
22 written by Mr. Hess -- that there's some things

1 that are just --

2 Here's an actual -- like, for instance,
3 him saying that John became agitated during the
4 course of the interview; I disagree.

5 I was on the phone, I don't think that
6 John became agitated in any way, shape or form.
7 The kid was in shock, he was being accused of
8 something extremely serious.

9 So I think, you know, using things like
10 that, I just -- I don't agree with, and I think
11 it's kind of leading.

12 Also, here Mr. Hess writes, that after
13 discussing the interaction in the hallway, that
14 FS 1, the victim, also referenced at least three
15 occasions where John would touch her and poke
16 her during English classes.

17 I guess, some things like that, like, I
18 don't understand why, if there was a problem in
19 English class, why the teacher wouldn't reach out
20 to the parent;

21 You know -- and we never heard from the
22 teacher at all -- that if there was a legitimate

1 problem in class, why weren't we told?

2 Because, according to the syllabus that
3 the teacher has provided, that's the course of
4 action:

5 That the teacher discusses things with
6 the student first, and then the parent. And if
7 things still don't get resolved, then it goes to
8 an administrator.

9 And there's, you know, a lot of --

10 MS. FORREST: -- and what I heard them
11 say is, the teacher reported that she did not
12 observe --

13 FATHER [REDACTED]: -- right --

14 MS. FORREST: -- John [REDACTED]'s actions toward
15 FS 1 [REDACTED].

16 MOTHER [REDACTED]: Okay.

17 FATHER [REDACTED]: Uh-huh.

18 MOTHER [REDACTED]: Okay.

19 MS. FORREST: Is that correct?

20 MR. HESS: Yes, ma'am, that is correct.

21 MS. FORREST: Okay.

22 MOTHER [REDACTED]: Okay. I think that, you

1 know, part of this, too, for me, or as a parent,
2 is, I really feel like the --

3 I understand that Mr. Hess is not an
4 investigator; that he is a teacher --

5 **FATHER** : -- an educator --

6 **MOTHER** : -- an educator, an
7 administrator; he's not an investigator.

8 But I really feel like -- according to
9 the SR&R, it clearly states that --

10 In 2601.6, that, "The Fairfax County
11 School Board is committed to ensuring respect for
12 the civilian rights of all members of the school
13 community, as guaranteed by the Constitution and
14 laws of the United States, and the Commonwealth of
15 Virginia.

16 Our policies and regulations are
17 designed to recognize the essential dignity of
18 each student, teacher and staff member, and create
19 an atmosphere in which learning will flourish."

20 It continues on, in saying that,
21 "Procedures in determining facts and imposing
22 sanctions is such: The principal shall determine

1 the appropriate discipline actions to be taken in
2 each case of prohibited conduct, except when a
3 referral to the division superintendent is
4 required, and may require the assistance of other
5 appropriate staff members.

6 In disciplinary cases, all students
7 have the right to due process, and to the
8 procedure in determining facts and imposing
9 sanctions."

10 I do not feel, as a parent, in how this
11 so-called investigation took place, that my son,
12 in any way, shape or form, was provided due
13 process.

14 He was immediately convicted and
15 accused, and found guilty, and given a sanction
16 without the due process that is stated in the
17 SR&R.

18 MS. FORREST: Well, I'm going to address
19 that for you, so that you understand.

20 Due process for school administrators
21 is to -- for school officials to inform what he's
22 being accused of, and all the information they

1 have at the time, and give him an opportunity to
2 respond to the accusations against him.

3 From what I've heard, that was provided
4 to him, as well as informing you of your right to
5 appeal; that was done as well.

6 Mr. Eline, was there a delay in mailing
7 off the December 10th letter; was that withheld?

8 MR. ELINE: Not that I'm aware of.

9 MS. FORREST: Okay. So the decision was
10 made December 10th, and it was placed in the
11 mail --

12 MR. ELINE: -- correct --

13 MS. FORREST: -- to be delivered.

14 MR. ELINE: Right.

15 MS. FORREST: Now, the U.S. mail was
16 delivered, or not --

17 **MOTHER**: -- no, look at the
18 envelope, it wasn't mailed until the 18th.

19 **FATHER**: It's postmarked --

20 **MOTHER**: -- there's a postmark on
21 there.

22 MS. FORREST: That's at the post office.

1 But if he puts it in our mail, there's a process
2 for mail to go out.

3 So, what I've heard from him is, he put
4 it in the mail promptly.

5 MR. ELINE: We did.

6 MS. FORREST: Okay.

7 FATHER [REDACTED]: So, if I may?

8 MS. FORREST: Sure, go ahead.

9 FATHER [REDACTED]: Anything else to say?

10 MOTHER [REDACTED]: I'm not done.

11 MS. FORREST: I just wanted to address
12 the due process, because it doesn't sound like
13 there was a due process violation.

14 MOTHER [REDACTED]: Okay.

15 MS. FORREST: Okay.

16 MOTHER [REDACTED]: And, well, as a parent, I
17 feel that there was.

18 MS. FORREST: Okay. Well --

19 MOTHER [REDACTED]: -- because the victim,
20 FS 1 [REDACTED], who came forward, and in her statement, at
21 no time does she, in her own words, say that
22 John [REDACTED] did this; she keeps talking about they,

1 they in her statement.

2 And I feel like Mr. Hess, or the
3 administration, have the responsibility, at some
4 point, to find out who the "they" are.

5 MS. FORREST: Okay. Go ahead.

6 **MOTHER**: She never stated that
7 **John** said anything to her that was
8 inappropriate; she refers to "they."

9 MS. FORREST: Okay. Go ahead.

10 **MOTHER**: And when she -- her --
11 "About one month ago, **John Doe** and blank
12 started sexually harassing me," she doesn't say
13 what that is.

14 And it's such a strong term, and it's a
15 horrible thing, that she doesn't -- she doesn't
16 state that he did -- what he did to say that.

17 MS. FORREST: Okay.

18 **MOTHER**: There's --

19 **FATHER**: -- can I go, please?

20 **MOTHER**: Yeah. I just --

21 **FATHER**: -- look, the bottom -- so,
22 this process is highly flawed. We've had

1 documentation that has been sent to us late, a
2 case officer was assigned late.

3 We were told on Wednesday, the 12th, we
4 could pick up his homework assignments; that
5 didn't happen until close of business on Friday.

6 Victim impact, well, I look at my son
7 as a victim. He had 3 A's and 2 B's before he got
8 pulled into suspension as a result of these
9 administrative issues; this has greatly impacted
10 my son.

11 He's also been subjected to harassment
12 on social media, by a lot of girls calling him a
13 sexual predator and a pig, and all sorts of other
14 things, girls he doesn't even know.

15 But moving on to the case, due process,
16 my son was not afforded due process.

17 You don't give a punishment before
18 there's an investigation and you're tried; that's
19 the way it works in the United States of America,
20 maybe it's different in Fairfax County.

21 But a case built by an accuser and her
22 friends, holds no validity in any court of law.

1 Mr. Hess is an educator and an administrator, he's
2 not an investigator.

3 But the school owed it to my son, with
4 the seriousness of the charges, to identify
5 specifically who said what.

6 In all of the statements from the
7 girls, they mention "they;" they want it between
8 our legs, they want -- who is "they"? Do they sing
9 it in tandem?

10 You need to drill down, you need to
11 afford my son a more thorough investigation.

12 FS 1, herself, doesn't accuse him. If
13 you go and read her statement, FS 1, herself,
14 does not accuse John of anything. She says,
15 "John started sexually harassing me."

16 What specifically does that mean? You
17 know, she took the touch as sexual harassment,
18 whereas he doesn't?

19 You know, I think that they're drawing
20 straws here. The girls were given an opportunity,
21 from a Friday to a Monday, to corroborate their
22 stories.

1 Mr. Hess, himself, even comes back and
2 says one of the girls admitted to lying; we didn't
3 know that. Nor do we have testimony from the other
4 boy, MS 1 .

5 MOTHER : Oh, may I --

6 FATHER : -- excuse me, no. The
7 school had an obligation to get clarification from
8 the accuser, with all the statements that her
9 friends made: John said this and that.

10 Did -- she doesn't -- FS 1 , the
11 victim, doesn't say any of these, she doesn't
12 corroborate anything that her girlfriends say.

13 You needed the investigator, the
14 school, and my son, to go back and ask --
15 specifically the things that the girls were
16 saying -- is this true, FS 1 ? That never
17 happened.

18 And then, per Mr. Travis Hess, I spoke
19 to the SRO, Officer Jackson, of Fairfax County
20 Police Department; I called him, he called me
21 back.

22 And I said, hey, I understand my son's

1 being -- I have not seen the evidence as of yet,
2 my son's being charged with sexual harassment, and
3 a restraining order will be brought against him by
4 the family?

5 And he said to me, quote, "Father [REDACTED],
6 I have reviewed the material, there is no evidence
7 of sexual harassment. Charges will not be brought
8 forward, and there is no restraining order going
9 to be brought against your son."

10 So my question is, if the Commonwealth
11 isn't pursuing charges against my son, why is the
12 school holding him accountable to a different
13 standard, a standard that isn't affording him due
14 process?

15 You've punished him for ten days, and
16 then you did an investigation, and then we have to
17 wait for a verdict.

18 My last comment, again, FS1 [REDACTED], if you
19 read her statement again, she does not accuse
20 John [REDACTED] of anything.

21 This was a flawed process, this was a
22 flawed investigation. And I don't him accountable,

1 because he's not an investigator, he's an
2 educator; my son absolutely adores that guy.

3 As much as I've wanted to sit here and
4 hold him accountable for going after my kid, he
5 kept saying to me, "I like Mr. Hess, it's not his
6 fault."

7 That's all I have to say for now; I
8 have some things I'd like to talk to you about
9 afterwards. I do have some statements I'd like to
10 provide you with; I didn't think we were going to
11 be able to.

12 But I've had no less than a dozen-plus
13 kids come by the house, a lot of them involved,
14 some of them were in that video.

15 A lot were pretty angry, saying that
16 this girl FS1 [REDACTED] has had a track record. A boy
17 that she dated, his name is [REDACTED], made a
18 statement about her spreading lies and rumors
19 about him with his girlfriends, so the girl has a
20 track record.

21 And there's another girl, [REDACTED]
22 [REDACTED], a 12th grader, who's seen during the sixth

1 period interactions and stuff, and even states
2 that FS1's been flirting with John, and
3 stuff, and doesn't know where this is coming from.

4 At this time, I don't have anything
5 else to say. I do want to, you know, I guess, put
6 in directions; we can talk about the appeal that I
7 asked for electronically.

8 MS. FORREST: And I'm going to address
9 that in a minute.

10 FATHER: Yes, ma'am.

11 MOTHER: And may I also, just real
12 quick, since we're allowed to --

13 I'd like to also say that, you know,
14 one of the girls who made, you know, some of the
15 accusations, or made a statement for FS1;

16 She is -- her name is FS3, and we know
17 that's it her. She's been a -- John has known
18 her for a really long time, we've also known the
19 family for a really long time.

20 And this, what I have here, is just to
21 give you a little bit of an insight into, at the
22 same time that she is --

1 She was writing these things -- for
2 whatever reason, we have no idea -- she was also,
3 at the same time, you know, texting back and forth
4 with John [REDACTED], as though nothing was going on,
5 because --

6 FATHER [REDACTED]: -- literally days
7 before --

8 MOTHER [REDACTED]: -- because they're --
9 because, as far as he's concerned, they're
10 friends.

11 You know, and in these texts, she's
12 asking him to -- because she's an office aide, to
13 get out of class early, to meet him in the
14 hallways --

15 FATHER [REDACTED]: -- keeping some secrets --

16 MOTHER [REDACTED]: These are friends. She's
17 going on, acting like his friend, at the same, you
18 know, backhandedly writing this stuff that...

19 It's just, it doesn't make any sense,
20 and it's unfair. She's asking him in some of these
21 things, to keep secrets for her about things that
22 she's done.

1 Anyway, it's just -- you can do with
2 that with whatever you please. And that stuff is
3 also still on his phone, I just tried to make
4 copies of it.

5 MS. FORREST: Okay. I'll review all of
6 these, in terms of the final decision.

7 And I will make sure you get a copy of
8 this written statement from MS 1, that was
9 submitted to us by school staff.

10 Mr. Hess, let me ask you a question.

11 MR. HESS: Sure.

12 MS. FORREST: With regard to FS 1's
13 written statement, did she share more with you
14 verbally, than she did in writing?

15 MR. HESS: Correct. So, the original
16 statement, she wrote her statement on, I believe,
17 Thursday, the 6th; let me just confirm.

18 MS. FORREST: Okay. The first day when
19 she --

20 MR. HESS: -- correct. So, this was her
21 original statement -- (Indicating)

22 MS. FORREST: -- correct --

1 MR. HESS: -- and that's what started
2 the investigation, quote, unquote.

3 MS. FORREST: Correct.

4 MR. HESS: And I met with her family on
5 Friday, the 7th.

6 MS. FORREST: Okay.

7 MR. HESS: And so all of things that I
8 detailed, in terms of what FS 1 said, is based
9 on that meeting.

10 MS. FORREST: Her verbal statement.

11 MR. HESS: Her verbal statement on
12 Friday, the 7th.

13 MS. FORREST: Okay. And like all
14 students, she has an option whether or not to
15 submit another written statement.

16 MR. HESS: Correct.

17 MS. FORREST: And she chose not to
18 provide an additional statement.

19 MR. HESS: Correct.

20 MS. FORREST: Okay. That's fine. John ,
21 is there anything additional you would like to
22 share before we close the hearing?

1 **JOHN DOE** : I mean, again, I
2 honestly -- I feel horrible that she feels this
3 way. I didn't see this coming, because I thought
4 we were good friends.

5 You know, I even told Mr. Hess, you
6 know, if she would like to come in with her
7 family, and I can apologize to her, I would love
8 to.

9 Because I -- you know, this isn't the
10 person that I am. I'm not -- I mean, my
11 disciplinary actions might say otherwise, because
12 I've totally messed myself up before in the past.

13 But I've been busting my butt to
14 improve myself. I'm not a person that hurts other
15 people, I'm not --

16 You know, I'm going to a
17 to help people, to help -- you know, do
18 things for my country. I don't want to hurt
19 people, that's just not who I am.

20 I'm the person that people come to when
21 they have problems, or if they need advice; not
22 this boldy [sic], I'm not.

1 MS. FORREST: Okay. All right. Now,
2 after hearing all the information presented,
3 notwithstanding John [REDACTED]'s denials, I do find that
4 he made inappropriate comments towards another
5 student;

6 That his involvement in that was not
7 only substantiated by the victim, but also a
8 number of other students who school officials
9 found to be credible, to include the other boy
10 who's involved, who had no reason to falsely
11 implicate John [REDACTED].

12 As such, I'm going to confirm his ten-
13 day suspension from school; I'm going to uphold
14 his ten-day suspension, and extend it until this
15 matter is resolved.

16 You will receive my decision letter
17 within the next ten school days.

18 John [REDACTED], that means, during your
19 suspension, you cannot be at Robinson Secondary
20 School, or any other Fairfax County public school
21 without my prior written permission.

22 JOHN DOE [REDACTED]: Yes, ma'am.

1 MS. FORREST: Do you understand that? If
2 you violate that, you could be charged with
3 trespassing.

4 You get full credit for all the work
5 you receive, do, and turn back in. Are you having
6 trouble getting some assignments from your
7 teachers?

8 JOHN DOE: Yes, ma'am.

9 MS. FORREST: Which classes?

10 JOHN DOE: I'm having trouble with
11 basically all my classes. I mean, I don't
12 understand the material, I don't --

13 MR. HESS: -- he's struggling with
14 physics. We just finally were able to get him some
15 math stuff.

16 Do you have things to turn back in? Ms.
17 Kunkle told me that you would have stuff for me to
18 bring back to her today.

19 MOTHER: Yeah, I'll bring it in
20 later.

21 MR. HESS: Okay.

22 MS. FORREST: And there's -- is there

1 not a school support case manager assigned?

2 MR. HESS: Yes, Samantha Kunkle has been
3 assigned out of school support.

4 MS. FORREST: Okay.

5 MR. HESS: She's our [unintelligible].

6 MS. FORREST: And do you have means to
7 contact your physics teacher?

8 **JOHN DOE**: Yes.

9 MS. FORREST: Okay. And are there things
10 on Blackboard --

11 MR. HESS: -- yes, ma'am --

12 MS. FORREST: -- or any other site, that
13 he can access to help him while this is being
14 resolved?

15 MR. ELINE: Yes. And just communicate
16 with us if there's something that you're not
17 getting, **John**; please let us know, and we'll
18 help you.

19 MS. FORREST: Now, the fortunate thing
20 is, we have winter break coming, and so there are
21 no school days in there.

22 So I'm going to do my best to get the

1 decision letter to you at the very -- even though
2 it says ten school days, and our office is very
3 busy right now, I'll do my best to get it to you
4 the very first couple of days when we get back.

5 I do plan to take some work home to do
6 over the break, so I'll do my best to get the
7 decision letter to you as soon as possible.

8 As I said earlier, any decision I make,
9 beyond the ten-day suspension, can be appealed to
10 the school board.

11 So once you receive my letter, if you
12 agree with it, then you can follow the steps
13 there. If you disagree with it, you have the right
14 to appeal my decision.

15 **FATHER**: Ma'am, sorry, I've got a
16 question. It says in the SR&R that --

17 States, "Only students charged with
18 using drugs or possession of weapons may be
19 suspended up to 30 days." He's not been charged
20 with that.

21 And by de facto, because of the
22 Christmas break, or the Christmas exodus, it's

1 being extended. His athletics --

2 MS. FORREST: It is not because of the
3 Christmas break; I find that he violated school
4 rules.

5 As such, as the superintendent's
6 designee, I have the authority to impose a long-
7 term suspension; the principal can impose only a
8 ten-day suspension.

9 FATHER [REDACTED]: Okay.

10 MS. FORREST: I am extending his
11 suspension from school until this matter is
12 resolved.

13 What you're quoting from SR&R is the
14 30-day suspension for a drug violation from sports
15 activities. His suspension is from all school, and
16 school programs, not just sports activities.

17 FATHER [REDACTED]: So, again, if this whole
18 situation was earlier, he wouldn't be extending
19 into the exodus, and interfering with --

20 See, for him and our family, the
21 athletics and academics are not mutually
22 exclusive; he's one and the same.

1 He got selected for a scholarship to
2 ████████████████████, also looked at for
3 the character that he is; they're well aware of
4 his suspension from that under than two inch blade
5 knife, and they elected to pick him up.

6 But now, because of this, you're going
7 to subject my kid to losing his scholarship and
8 going to █████.

9 And by de facto, yeah, you're
10 continuing on a suspension. Okay, I guess we're
11 out of here; we're done?

12 MS. FORREST: All right. Then that ends
13 my hearing. Thank you.

14 (Whereupon, at approximately 11:10 a.m.,
15 the hearing was concluded.)

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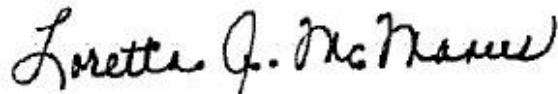
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